

EXHIBIT A

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

STEPHANIE EVERETT,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10210583

Federal Charge No. 16GC100819

I, Stephanie Everett, residing at 1113 East 215th Street, Bronx, NY, 10469, charge the above named respondent, whose address is Office of the General Counsel 52 Chambers Street, Room 308, New York, NY, 10007 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 6/1/2020.

The allegations are: **SEE ATTACHED COMPLAINT.**

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights
Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

| | | | |
|--|----------------------------|--------------------------|--------------|
| 1. Your contact information: | | | |
| First Name Stephanie | RECEIVED JAN 13 2021 | Middle Initial/Name N | |
| Last Name Everett | | | |
| Street Address/ PO Box 1113 East 215th Street | Apt or Floor #: | | |
| City Bronx | State NY | Zip Code 10469 | |
| If you are filing on behalf of another, provide the name of that person: | Date of birth: | Relationship: | |
| 2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.) | | | |
| <input checked="" type="checkbox"/> Employment (<i>including paid internship</i>) <input type="checkbox"/> by a Labor Organization <input type="checkbox"/> Internship (<i>unpaid</i>) <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>) <input type="checkbox"/> by a Temp or Employment Agency <input type="checkbox"/> Volunteer Position <input type="checkbox"/> Licensing | | | |
| 3. You are filing a complaint against: | | | |
| Employer, Worksite, Agency or Union Name NYC Department of Education-P.S./M.S. 31 | | | |
| Street Address/ PO Box 250 East 156th Street | | | |
| City Bronx | State NY | Zip Code 10451 | |
| Telephone Number: (718)-292-4397 | | | |
| In what county or borough did the violation take place? Bronx | | | |
| Individual people who discriminated against you: | | | |
| Name: Katina Yesnick | Title: Assistant Principal | | |
| Name: Angela Liso | Title: First Grade Teacher | | |
| If you need more space, please list them on a separate piece of paper. | | | |
| 4. Date of alleged discrimination (must be within one year of filing): | | | |
| The most recent act of discrimination happened on: | 6 month | 1 day | 2020 year |
| 5. For employment and internships, how many employees does this company have? | | | |
| <input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know | | | |

6. Are you currently working for this company?

| | |
|--|---|
| <input type="checkbox"/> Yes. Date of hire: month day year | What is your position? |
| <input checked="" type="checkbox"/> No. Last day of work: 8. 12 2020 month day year | What was your position? First Grade Teacher |
| <input type="checkbox"/> I was never hired. Date of application: month day year | What position did you apply for? |

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

| | |
|--|---|
| <input type="checkbox"/> Age: Date of Birth: _____ | <input type="checkbox"/> Familial Status: |
| <input type="checkbox"/> Arrest Record | <input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran |
| <input type="checkbox"/> Conviction Record | <input type="checkbox"/> Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed |
| <input type="checkbox"/> Creed/ Religion: Please specify: _____ | <input type="checkbox"/> National Origin: Please specify: _____ |
| <input type="checkbox"/> Disability: Please specify: _____ | <input type="checkbox"/> Predisposing Genetic Characteristic: |
| <input type="checkbox"/> Domestic Violence Victim Status | <input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____ |
| <input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender | <input type="checkbox"/> Sexual Orientation: Please specify: _____ |
| <input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: African American <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle | <input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog | |

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

Retaliation: How did you oppose discrimination: _____

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

Relationship or association

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

| | | | |
|--|--|---|--|
| <input type="checkbox"/> Refused to hire me | <input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review | <input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition | <input type="checkbox"/> Sexual harassment |
| <input type="checkbox"/> Fired me/laid me off | <input type="checkbox"/> Suspended me | <input type="checkbox"/> Denied me an accommodation for domestic violence | <input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above |
| <input type="checkbox"/> Demoted me | <input type="checkbox"/> Did not call back after lay-off | <input type="checkbox"/> Denied me an accommodation for my religious practices | <input type="checkbox"/> Denied services or treated differently by a temp or employment agency |
| <input type="checkbox"/> Denied me promotion/pay raise | <input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job | <input type="checkbox"/> Denied me leave time or other benefits | <input type="checkbox"/> Denied a license by a licensing agency |
| <input type="checkbox"/> Denied me training | <input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job | <input type="checkbox"/> Discriminatory advertisement or inquiry or job application | <input type="checkbox"/> Other: |

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please look at the attached documents.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

**Addendum to SDHR complaint/ Description of alleged discrimination for Stephanie Everett
for 12/28/20**

- 1.) I have been teaching as an elementary school teacher for the New York City Department of Education (NYCDOE) since September 2017. I am of black race.
- 2.) I was a teacher for PS/MS 31, a District 7 school in the Bronx, NY, from September 2017 to late August 2020, when I was excessed from the school. I presently teach at P.S. 63 in the Bronx, NY, since I was excessed from PS/MS 31.
- 3.) Katina Yesnick is the assistant principal (AP) of the elementary school for PS/MS 31. She is white/Caucasian.
- 4.) During the time I was a teacher at PS/MS 31, I received effective as an overall rating as shown with the Advance Reports and I am also a two-time recipient of the Teachers of Tomorrow award for both the 2017-2018 and 2018-2019 school years.
- 5.) However, during the 2019-2020 school year I received negative ratings for my observation reports from AP Yesnick, including ineffective as some of my scores, even though I have never received an ineffective as a rating during the previous years I worked at the school.
- 6.) I believe that I am being retaliated against by AP Yesnick in the form of a negative observation rating and an unjustified disciplinary letter in my file (falsely stating I was not present at a professional development session), because of my race and her close relationship with Angela Liso, a white first grade teacher at the school. Principal Yesnick and Angela Liso are both Caucasian, and I am black of Caribbean descent. The following statements prove this statement.
- 7.) On Wednesday, March 13, 2019 at 8:05 a.m. at a math workshop held at P.S. 179 a school in the Bronx, AP Yesnick and Ms. Liso walked into the P.S. 179 library where the workshop was being held. By this time, I was already at the workshop. During this time, AP Yesnick and Ms. Liso both sat next to each other, completely ignoring my presence as they talked to each other for 30 minutes. It was not until they heard from a staff member at P.S. 179 that the Superintendent would be visiting the workshop, that they decided to talk to me, which ended up being 5 minutes after the Superintendent arrived. The District 7 superintendent is Rafael Alvarez. This was not the only incident of disrespect towards women of color that Angela Liso and AP Yesnick exhibited on March 13, 2019. They both exhibited this trait after the workshop ended, when they falsely claimed that "Ms. Purvis is useless and doesn't know what she is doing," to Ms. Jennifer Kneeland, a former teacher who used to work with them at P.S. 31 and now works as a literacy coach for P.S. 179. Ms. Purvis is a black woman, and the elementary school literacy coach for P.S. 31, and has worked in the New York City Department of Education for over twenty years. In

addition to both insulting Ms. Purvis, Ms. Liso and Ms. Yesnick told Ms. Kneeland that they wanted her to be their school's literacy coach, and would try to get her in for this position. Ms. Jennifer Kneeland is also Caucasian descent like Ms. Liso and Ms. Yesnick.

- 8.) On December 3, 2019, I met with AP Yesnick to discuss my first informal observation, which she conducted on November 22, 2019. At this December 3rd meeting, AP Yesnick told me, "maybe teaching is not for you, and you're lucky you have someone, poor Ms. Liso has no one, she feels so overwhelmed, she had the high class last year, but this year Ms. Liso has the Ell's (English language learners)." This was said to me despite the fact that myself and Ms. Amy Alfortish were working in an ICT classroom, where many of the children have severe behavioral and violent issues. At this time, there was no special education teacher. For an ICT classroom, it is a mandated requirement to have a special education teacher. Ms. Alfortish who is an ATR, works in schools where she is needed, and was only going to be there until the end of January 2020. This means that I would be by myself without a second teacher in the classroom, who was also certified in special education. This is illegal.
- 9.) In addition, AP Yesnick claimed that Ms. Liso felt overwhelmed; however, per Ms. Liso's request had English language learners removed from her classroom and placed into another class. The Spanish speaking children who are all students of color and Latin and Caribbean descent were BF, DA, and LCR. The removal of these children further proves the lack of respect Ms. Liso and AP Yesnick have towards people of color. This is because not only were children of color and of Latin and Caribbean descent, compared to children with severe and violent behavioral needs, but they were also discarded and placed in another classroom without no real reason, other than the fact that Ms. Liso did not like working with these kinds of children.
- 10.) During the December 3rd meeting, AP Yesnick not only disregarded my contributions as a general education teacher for an ICT classroom and an educator as a whole, but also falsely stated that a teacher candidate, who interviewed to fill for the special education teacher position for my classroom, did not have the right qualifications. This is despite the fact, that this teacher managed the class and executed the lesson efficiently, when she came to the school on November 26, 2019 two days before the Thanksgiving holiday. The teacher candidate was a Latin woman of Caribbean descent. AP Yesnick instead decided to wait until January 31, 2020 two months after, to have another special education teacher from another classroom in the school, work with me in the ICT setting. The special education teacher is Sara Hanauer. She is of Orthodox Jewish descent, and a friend of Ms. Liso. Ms. Hanauer showed me absolutely no respect when she entered the classroom I was working in, told me statements such as "since I am here this is the best read aloud lesson these kids have ever had," and without my permission put a behavior checklist I had in the garbage. The checklist was for the children with severe

behavioral and violent issues. Whenever there was an issue with a student, I was never involved in the discussion. AP Yesnick would only talk to Sara Hanauer and vice versa. I would not be aware of the situation until after it was already discussed between AP Yesnick and Ms. Hanauer. Finally, AP Yesnick had Ms. Hanauer working with these children, even though she was someone who did not encourage the students, especially some of the children who were great readers, to reach their full potential, and instead gave higher level readers that were in the first grade classroom, the same material to practice as the lower level readers. The materials were pre-kindergarten and kindergarten sight word activities, and the children are all students of color. This would have been prevented if the teacher candidate from the November 26th interview would have been hired, since she was more than qualified for this position, and being a woman of color herself genuinely showed that she cared about the children and working with me as a fellow colleague. Lastly, Ms. Hanauer also disrespected Ms. Purvis, who I previously stated is African American, by walking out of the classroom, when Ms. Purvis was modeling a literacy lesson for us, so we could continue to grow in our teaching practices.

- 11.) Several days after the December 3, 2019 meeting, I received a copy of my observation including scores of ineffective in certain categories, even though I have never received scores of ineffective in the previous two years I have worked at the school. AP Yesnick not only made me look like an incompetent teacher, but gave me a score that went completely against the lesson I taught. In addition, she compared me unfavorably to Ms. Liso, a Caucasian teacher who should have never been mentioned in this discussion.
- 12.) On Friday, December 20, 2019, I received an unjustified disciplinary letter from AP Yesnick, which falsely accused me of not going to a CTLE professional development session on December 9, 2019, and that instead I decided to stay in my classroom to talk to my union representative. According to the December 9th CTLE agenda, which I received via email on December 2, 2019, the meeting was supposed to be held in room 118, my room. If I was told that the CTLE session would no longer be held in my room, I would have attended, like I have always done in previous sessions. CTLE is where professional development workshops are held for teachers. AP Yesnick designated which rooms these sessions will be held. For this day, according to the agenda, CTLE was going to involve planning instead. AP Yesnick at no point in time told me about the room change, and waited until almost the session was over, to inform me that the session was being held in a different location.
- 13.) AP Yesnick gave me the December 20, 2019 disciplinary letter on the same day I refused a Christmas gift from Ms. Liso, because of a snapchat incident and other situations of disrespect, and where Ms. Liso reacted by cursing and insulting me. This is perfectly shown with Angela Liso not being mentioned in the disciplinary letter, even though she

was one of the first grade teachers. In addition, when one compares the date of the disciplinary letter, with the day of the statement I made against Ms. Liso, where I describe the volatile exchange between Ms. Liso and myself, both dates match. Lastly, the fact that the CTLE agenda., for the December 9th incident described in the false disciplinary letter, clearly indicates that the CTLE session was supposed to be held in my classroom, means that I did nothing wrong, further proving that the real reason I was given this letter was because I refused to accept Angela Liso's gift.

- 14.) On Monday, January 27, 2020 at 2:40 p.m., I met with AP Yesnick to discuss my second informal observation, which she conducted January 9, 2020. During this meeting, I informed AP Yesnick that I have been continuing to plan after school to grow in my teaching. This is where she pretended to not know who I planned with and began to show a confused look, asking "who did you plan with?" This is despite the fact that she saw Ms. Purvis and I planning together a few days prior, in Ms. Purvis's office. Ms. Purvis is the literacy coach for the school and someone I have been planning literacy lessons with since I first taught at P.S./M.S. 31. Ms. Purvis is also black for whom both Angela Liso and Katina Yesnick do not show respect.
- 15.) On March 19, 2020, AP Yesnick ignored and disrespected me, when I went to the main office to obtain a schedule for online remote learning due to the coronavirus pandemic. During this time, I consistently asked her for the schedule, to which she continued to look at her cell phone, despite her hearing me ask her for the schedule three times. I decided to ask one of the elementary teachers who had finished a phone call with a parent, and ask her if she saw the schedule. When I asked one of the other teachers, this is when AP Yesnick asked the teacher for the schedule, and stood far away from me as she looked downward and annoyed as she gave me the paper. If I did not ask one of the elementary teachers, AP Yesnick would have never given me the schedule, she would have continued to look at her cell phone and not acknowledge my presence, even though I was asking for an important item; since without this online schedule I would not be able to plan my instruction layout for remote learning, so I could give it to the parents of my students.
- 16.) At a schoolwide videoconference staff meeting held on June 1, 2020, I learned that AP Yesnick had deliberately excluded me from a grade-based meeting in late May 2020, and discussed the thematic unit "using your imagination", with the other first grade teachers, including mentioning Ms. Liso's name during the June 1st staff meeting, even though it was a project that the entire first grade had participated in. I should have been notified of the meeting, especially since I am part of the first-grade team. I was also excluded from another meeting that happened on December 9, 2019, which I explained previously above.

- 17.) During the June 1, 2020 meeting, AP Yesnick also failed to acknowledge my presence at an important school literacy event called "sip and chat", and instead falsely stated that Madeline Bodnar, the special education teacher for a second grade classroom, did a great job planning the event. This was despite the fact that Madeline Bodnar, who is Caucasian and a friend of AP Yesnick, and Ms. Liso was originally not going to attend, and did not prepare for the event. All of the preparations and planning for the sip and chat session were done by the school literacy coach Ms. Purvis, who is a black woman. AP Yesnick did not mention me at any point in time during the June 1st meeting that I was there to support the school's literacy coach, even though she not only saw me there at the event, but also saw my name on the sip and chat flyer. The sip and chat event was held on May 26, 2020. By not mentioning me, AP Yesnick once again showed her lack of respect towards women of color not only to myself but to Ms. Purvis. In addition, Madeline Bodnar who was previously mentioned as being a Caucasian teacher, had no problem taking full credit for work that was done by an African American colleague, even though she was fully aware that she did not do any work pertaining to the sip and chat event. Unfortunately, Ms. Bodnar is another employee at the school, who has also previously disregarded the expertise of Ms. Purvis.
- 18.) Based on the information above, I believe I was racially discriminated against at my prior school. As a remedy, I am requesting removal of the poorly rated observations dated November 22, 2019 and January 9, 2020 from both my personnel file and the Advance NYCDOE website, as well as the removal of the unjustified disciplinary letter and the rebuttal letter from my file, and any other relief appropriate for this situation.

Stephanie Everett

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.(If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL S.E.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Stephanie Everett

Sign your full legal name

Subscribed and sworn before me
This 6th day of January 2021

Rachel Padal
Signature of Notary Public

County: RACHEL PADAL
Notary Public, State of New York
No. 016ACEN097
Qualified in Kings County 23

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.